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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 65/226 of 21 December 2010,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 65/226,[3] which highlights further negative developments in the human rights situation in the Islamic Republic of Iran, and the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted pursuant to resolution 16/9 of the Human Rights Council,[4] which notes concern over reports of targeted violence and discrimination against minority groups and alarm at a documented dramatic increase in executions, including secret group executions carried out inside prisons;

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/66/361.
[4] See A/66/374.

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2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence of and dramatic increase in the carrying out of the death penalty in the absence of internationally recognized safeguards, including public executions, notwithstanding a circular from the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(c) The continuing imposition and carrying out of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[5] and the International Covenant on Civil and Political Rights;[2]

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) The practice of suspension strangulation as a method of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding a circular from the former head of the judiciary prohibiting stoning;

(f) The continuing and systematic targeting of human rights defenders, including, inter alia, lawyers, journalists and other media representatives, Internet providers and bloggers, who endure intimidation, interrogation, arrest and arbitrary detention as a result of their activities, noting in particular the continued harassment and detention of staff members of the Defenders of Human Rights Centre;

(g) Pervasive gender inequality and violence against women, including sexual violence, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly and increased discrimination against women and girls in law and in practice;

(h) Continuing discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including, inter alia, Arabs, Azeris, Baluchis and Kurds and their defenders, noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, the violent repression of environmental protests in Azeri territory and the high rate of executions of persons belonging to minority groups;

(i) Increased persecution and human rights violations against persons belonging to recognized religious minorities, including, inter alia, Christians, Jews, Sufis, Sunni Muslims and Zoroastrians and their defenders, noting in particular the widespread arrest and detention of Sufis and evangelical Christians and reports of harsh sentences against Christian pastors;

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[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

(j) Increased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i faith, including escalating attacks on Baha'is and their defenders, including in State-sponsored media, a significant increase in the number of Baha'is arrested and detained, including the targeted attack on the Baha'i educational institution, the reinstatement of twenty-year sentences against seven Baha'i leaders following deeply flawed legal proceedings, and renewed measures to deny Baha'is employment in the public and private sectors;

(k) The continuing and sustained house arrest of leading opposition figures from the 2009 presidential elections;

(l) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, political opponents, human rights defenders, lawyers, journalists, Internet providers, Internet users, bloggers, clerics, artists, filmmakers, academics, students, labour leaders and trade unions from all sectors of Iranian society;

(m) The continuing use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of expression and freedom of peaceful assembly and association;

(n) Severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and the arbitrary demolition of places of worship and burial;

(o) Persistent failure to uphold due process of law, and violations of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, and the poor conditions of prisons, including the serious overcrowding and poor level of sanitation, as well as persistent reports of detainees being subjected to torture and rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(p) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including voicemail and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct any comprehensive investigation or to launch an accountability process for alleged violations in the period following the presidential elections of 12 June 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Calls upon* the Government of the Islamic Republic of Iran to immediately and unconditionally release all those who have been arbitrarily arrested and detained for simply exercising their right to peaceful assembly and participating

in peaceful protests about political, economic, environmental or other issues, including the conduct and results of the 2009 presidential elections;

5. *Strongly urges* the Government of the Islamic Republic of Iran to ensure free, fair, transparent and inclusive parliamentary elections in 2012 that reflect the will of the people and are consistent with the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights and all other relevant human rights instruments to which the State is a party, and calls on the Government to allow independent observation, including by civil society and candidates, of the electoral process and to allow independent local and international journalists to freely observe and report on the elections as well as subsequent political developments;

6. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, executions of minors and persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on a par with that of all Iranians;

(g) To eliminate discrimination against, and exclusion of, women and members of certain groups, including members of the Baha'i faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities;

(h) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and to accord the seven Baha'i leaders held since 2008 the due process of law and rights that they are constitutionally guaranteed, including the right to adequate legal representation without intimidation and the right to timely, fair and open legal proceedings;

[6] See E/CN.4/1996/95/Add.2.

(i) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(j) To end restrictions placed on Internet users and Internet providers that violate the rights to freedom of expression, association and privacy;

(k) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(l) To end the use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of their rights to freedom of expression, peaceful assembly and association;

(m) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

7. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[7]

8. *Further calls upon* the Government of the Islamic Republic of Iran to consider ratifying or acceding to the international human rights treaties to which it is not already a party, to effectively implement those human rights treaties to which it is already a party, to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, and to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party;

9. *Welcomes* the appointment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;

10. *Calls upon* the Government of the Islamic Republic of Iran to positively avail itself of the opportunity to cooperate fully with the Special Rapporteur and other international human rights mechanisms, including by allowing the Special Rapporteur unfettered access to the country to carry out his mandate;

11. *Encourages* the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

12. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in six years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

[7] Resolution 48/134, annex.

13. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review by the Human Rights Council,[8] with the full and genuine participation of civil society and other stakeholders;

14. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the situation of human rights in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its nineteenth session;

16. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

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[8] See A/HRC/14/12.